

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

ALFRED PILOTTE, through his Guardian
THE OFFICE OF PUBLIC GUARDIAN
VS NO: 21-CV-00749
BERLIN POLICE DEPARTMENT

DEPOSITION OF PHILIP PELLETIER

This Zoom deposition taken by agreement of
counsel, on October 28, 2022, commencing at 2:21
p.m.

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1 Q	And how long have you lived there?	1 A	Correct.
2 A	From 2014.	2 Q	And how long did you serve in the Marines?
3 Q	Any plans to move in the next year or so?	3 A	Four years.
4 A	In the next year? Probably not.	4 Q	Was that all full-time, or was any of that as a reservist?
5 Q	I take it since you believed that this case was over, at least your part was over, you didn't notice until recently that the case was still scheduled for trial in April of '23?	6 A	All active duty.
9 A	You broke out a little bit. I think you asked I didn't know it was scheduled for trial, and the answer to that would be, no.	7 Q	Any deployments in that four-year period?
12 Q	In addition to speaking to Mr. Carr, did you review any documents to prepare for today?	8 A	Yes.
14 A	No, I don't have anything with me anymore to review.	9 Q	Where were you deployed, sir?
16 Q	You understand that the deposition is concerning a case brought by Mr. Pilotte who alleges that you took images of him at the Androscoggin Valley Hospital in January of 2019, correct?	10 A	I can't talk about one. I went to Afghanistan and MEU, Marine Expedition Unit.
21 A	That is my understanding.	12 Q	And your time in Afghanistan, was that in a combat role?
22 Q	Do you still have any images of Mr. Pilotte on your phone or any other device?	14 A	Yes, it was.
		15 Q	Did you receive any discipline while you were in the Marine Corps?
		17 A	I don't see how that would be relevant to this, but no, I did not.
		19 Q	I take it you got an honorable discharge?
		20 A	Yes, I did.
		21 Q	And when you finished active duty, did you remain in reserves or have any other commitments in the Marines?
	Page 11		Page 13
1 A	No, I do not.	1 A	Just inactive reserves, which you have to update your information, and that is it.
2 Q	Do you know anybody who has those images?	3 Q	And in the inactive reserves for a period of time, you could be called back up?
3 A	No, I do not.	5 A	That's correct.
4 Q	I am going back to sort of the background section then.	6 Q	Is that still true today?
6	Did you grow up here in New Hampshire?	7 A	No.
8 A	Yes, I did.	8 Q	What are you doing now, sir, for employment?
9 Q	High school in Berlin?	9 A	I am a lineman apprentice.
10 A	Yes, I did.	10 Q	And who is that with?
11 Q	What year did you graduate?	11 A	A 104 contractor, currently working for a three-phase line company.
12 A	2007.	13 Q	I think that cut off a little bit.
13 Q	I understand you went into the Marines?	14	Did that just cut off for me or everybody?
14 A	Yes, I did.	15	MR. CARR: I think it might just be on your end with the connection.
15 Q	Was that immediately after graduation from high school?	18	THE WITNESS: I can move from here into my office, if the connection stays unstable.
17 A	It was about a year after.	21 Q	I understand, Mr. Pelletier, that one of your sisters works in law enforcement, or did at one time as a dispatcher?
18 Q	And in that year from 2007 to 2008, what did you do?		
20 A	I was employed by Isaacs Construction and Steel and waited for my son to be born.		
22 Q	And once he was born, that is when you went to the Marines?		

	Page 14		Page 16
1 A	Yes.	1	company and applied to police departments.
2 Q	Where did she work?	2 Q	How long was it after you returned from active
3 A	She worked for Troop F State Police.	3	duty before you landed a job in law
4 Q	Are any of your other siblings in law	4	enforcement?
5	enforcement, or have they been?	5 A	Six months, I believe.
6 A	No.	6 Q	And who was it that you got that first job
7 Q	Your father was also in law enforcement?	7	with?
8 A	Yes.	8 A	Gorham, New Hampshire.
9 Q	I understand he started at Berlin Police	9 Q	Can you give me the year that would have been?
10	Department?	10 A	2013.
11 A	Yes.	11 Q	Was that a full-time position or part-time?
12 Q	And then went into the state police?	12 A	Full-time.
13 A	Yes.	13 Q	I am going to just try to move this over into
14 Q	And eventually became the chief of police in	14	my office where the connection will be a
15 -- was it Groveton?		15	little bit better. Bear with me for a second
16 A	Groveton, Northumberland, yes.	16	everyone as I make that move.
17 Q	Is he still chief there?	17	(Short recess.)
18 A	Yes, he is.	18 Q	(By MR. CULLEN:) Thank you for your patience
19 Q	Did you ever talk to your dad about the	19	there.
20 Pilotte incident?		20	I missed your last answer, sir. Was
21 A	Of course, I have.	21	it part-time or full-time?
22 Q	Did you talk to him about back, at the time	22 A	Full-time.
23 when you first learned that you were being		23 Q	Full-time?
	Page 15		Page 17
1	investigated relative to it?	1 A	Yes, sir.
2 A	Yes.	2 Q	And with respect to that position, I take it
3 Q	Did he give you any advice as to whether you	3	you had to go to the academy?
4	should contest the discipline or submit a	4 A	Yes, I did.
5	resignation?	5 Q	What was your graduation class at the academy?
6 A	I am not comfortable answering that. We spoke	6 A	163, 164. I don't remember.
7 as father and son and not looking for answers		7 Q	Do you remember how long the academy was back
8 from a chief of police. I am not trying to be		8	then? Was it 16, 17 weeks?
9 rude. I am trying to be as up front with you		9 A	16 -- 14 or 16.
10 as possible.		10 Q	When you returned from the academy, did you go
11 Q	I get to ask a lot of different questions at	11	through any additional training at Gorham?
12 the deposition. I am going to move on from		12 A	I don't think so. I believe my FTO period was
13 that one. I just want you to know I am not		13	over.
14 going to move on from all of them.		14 Q	You did your FTO before the academy?
15 A	I understand.	15 A	Yes.
16 Q	If we get to points where we really disagree,	16 Q	How long was the FTO period?
17 you know, eventually I would have to try to		17 A	I don't know. From when I was hired until I
18 seek to suspend the deposition, and we will go		18	left for the academy, a couple months.
19 from there. I don't think we are there yet.		19 Q	And what did that consist of?
20 Let me move on from that for the time being.		20 A	On-the-job training.
21 Tell me when you finished with the		21 Q	I take it you rode along with a more senior
22 Marines as active duty, what did you do?		22	officer?
23 A	I came back and worked for a small security	23 A	Yes.

	Page 18		Page 20
1	Q You went over the Gorham SOPs?	1	Mr. Pilotte?
2	A Yes.	2	A I don't recall.
3	Q Did you have additional training in Gorham, 4 that you recall?	3	Q I am going to try this again, another document 4 which has been marked as Exhibit 2. (Whereupon, the court reporter 6 marked Exhibit Number 2, Employee Status 7 Notification Form B, for Identification.)
5	A I don't remember.	5	MR. CARR: I'd like to see how Becky 9 is getting down the record. You're doing the 10 robot voice again with the glitch, a little bit.
6	Q In 2014, I understand you became a special 7 enforcement officer with Berlin PD?	11	For the most part, I think she is able to get everything. If it is weird, I will let you know.
8	A I don't know what a special enforcement 9 officer would be. I didn't go to Berlin until 10 2015.	12	13
11	Q Let me just -- it is not a memory test. I 12 have some documents, let me see if I can pull 13 one of them and maybe it will help.	14	15 Q Mr. Pelletier, showing you what has been 16 marked as Pelletier 2, this is an employee 17 status notification form B, and it records 18 that you have been assigned from a part-time 19 to a full-time position. It looks as though 20 it is effective from August of 2015.
14	A I see it.	21	Is that consistent with your memory of when you joined Berlin full-time?
15	Q Are you seeing something that says Pelletier 16 Exhibit 1?	22	
17	A Yes.	23	A Yes.
18	 (Whereupon, the court reporter 19 marked Exhibit Number 1, Employee Status 20 Notification Form A, for Identification.)		
21	Q Mr. Pelletier, looking at this Police 22 Standards and Training, there is a listing on 23 box 7 which is three down from the upper left		
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1	that says special enforcement officer, 2 effective 7/1/14, which is box 6. Does that refresh your recollection 3 as to whether maybe you took a part-time 4 position with Berlin for some period of time?	1	Q When you -- what brought that change from 2 Gorham to Berlin? What prompted you to make 3 that move?
6	A Yes, I see the part-time box checked off. I 7 didn't realize I was on a list called special 8 enforcement. I thought that was like their 9 retired guys. I would have been just an 10 on-call part-time officer. That is how I 11 would have classified it. I am sorry.	4	A It was a better position for me at the time.
12	Q Fair enough. With respect to that position, 13 what was your role with Berlin?	5	Q And was it better pay, better opportunity?
14	A If they couldn't fill a specific overtime 15 detail, they would open it up to other 16 officers, qualified to be able to fill it.	6	A It was a multiple amount of reasons like that. 7 Schedule, pay.
17	Q So you weren't doing patrols during that 18 period of time as a part-time officer with 19 Berlin? You were primarily covering details?	8	Q And when you joined Berlin, did you go through 9 any sort of abbreviate FTO period?
20	A Yes.	10	A Yes, I did.
21	Q Do you recall if during that part-time period 22 before becoming a full-time officer with 23 Berlin, whether you had any encounters with	11	Q Do you recall how long that was?
		12	A I don't know. A couple weeks.
		13	Q Do you remember was it just one person or was 14 it with multiple officers?
		15	A I believe it was only with Nathan Roy.
		16	Q What did the FTO period, that abbreviated 17 period, consist of?
		18	A Learning Berlin, their SOPs and how they did 19 things.
		20	Q And growing up there, I suppose you didn't 21 have to spend quite as much time learning the 22 streets, right?
		23	A I knew where everything was. I just didn't

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1 Q	In those -- are you able to estimate how many times you saw Mr. Pilotte up at the hospital prior to January of 2019?	1	taken any -- recorded images of Mr. Pilotte?	
2		2 A	I don't remember.	
3		3 Q	You indicated that Mr. Pilotte was generally acting the same way, or he was always himself in the way you saw him every time he was at the hospital.	
4 A	I don't recall.	4	Did I characterize that right?	
5 Q	Do you think it was more than a dozen?	5 A	Can you repeat that?	
6 A	I have no idea. That seems like a big number.	6 Q	I am just trying to not get it wrong.	
7 Q	With respect to the times that you did see him prior to 2019, what was his behavior like when you encountered him?	7	You mentioned something that	
8		8 A	Mr. Pilotte was always the same when you saw him up at the hospital regardless of when it	
9		9	was when he was there for either revocation or an IEA, am I getting that right?	
10 A	That was usually the same person when you are up there.	10 A	I mean, his general behavior, he doesn't interact, but inside that, he can be -- he can shout, and he can be quiet, sitting there.	
11		11	That is what I meant by his general behavior.	
12 Q	What does that mean?	12 Q	I understand. He is not doing the same thing every single time, but the over-arching characteristics are similar?	
13 A	Nonresponsive. Doesn't want to talk to you or look at you.	13		
14		14 A	Right, like he is obviously up there for a reason, and because he has violent tendencies,	
15 Q	When you are there on a detail, what is your role? What are your responsibilities?			
16				
17 A	To keep the staff safe and then keep Alfred safe from himself.			
18				
19 Q	And what would you do to keep the staff safe?			
20 A	I am there to make sure that nothing bad happens to him. Like if they have to give him medication, I would go and make sure Alfred is not yelling and not in physical contact with			
21				
22				
23				
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1	them any more than he has to be.	1	which is why police have to be up there with him.	
2 Q	Do you remember any patients in which Alfred Pilotte assaulted anyone at the hospital in your presence?	2	3 Q	Is the door locked to his room locked at any time?
3		4	5 A	Not that I am aware of.
4		6 Q	I assume that he is always on his own in the room as far as like there are no other patients with him at any time?	
5 A	Not in my presence.	7	8 A	Correct.
6 Q	Were you aware of him doing that outside of your presence at any time?	9	10 Q	Do you recall any specific statements that Mr. Pilotte ever made to you prior to January of 2019?
7		11	12 A	No, I don't remember anything like that.
8 A	Yes.	13	14 Q	Do you recall him ever calling you a Nazi or anything like that?
9 Q	What was that?	15	16 A	It wouldn't surprise me if he said that.
10 A	I think he has assaulted a few officers and a few staff members, but I don't know the names, I don't remember.	17	18 Q	Why wouldn't it surprise you?
11		19	20 A	Just kind of the way he speaks. I think he just sees things -- I don't know if this makes sense to you, just more old school, probably by the way the uniforms look. They are all black.
12		21	22	
13 Q	But this would have been prior to 2019?	23	Q	Did any other officers talk to you about the
14 A	I don't remember if anything happened in 2019, but yes, prior.			
15				
16 Q	Do you recall any of the officers in particular who you had heard were assaulted by Mr. Pilotte at some point?			
17				
18				
19 A	I don't remember who it was at this point.			
20 Q	And the same question with regard to staff, do you remember anyone specifically on staff?			
21				
22 A	I don't remember.			
23 Q	At any time prior to January of 2019, had you			

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1 A	Nothing has been filed.	1 A	No, nothing.
2 Q	I am going to show you another document, 3 Mr. Pelletier?	2 Q	Did he give you any indication that he was 3 aware that you were taking an image or images 4 of him?
4 A	All right.	5 A	No.
5 Q	I have marked as Exhibit 11, sir, an October 6 2020 letter from Chief Morency addressed to 7 you.	6 Q	Do you recall Mr. Pilotte acting differently 7 to you in any manner after the recording of an 8 image or images of him?
8	Do you have that in front of you?	9 A	No.
9 A	Yes, I do. (Whereupon, the court reporter 10 marked Exhibit Number 11, Letter from Morency 11 to Pelletier, for Identification.)	10 Q	In other words, from -- throughout January of 11 2019, do you ever recall his behavior changing 12 in any recognizable way towards you?
13 Q	Do you recall getting this letter?	13 A	No, I don't remember, and I don't recall that. (Whereupon, the court reporter 14 marked Exhibit Number 12, Buteau memo, for 15 Identification.)
14 A	Vaguely. Yes, it looks familiar. I know what 15 it is.	17 Q	Showing you this document, Mr. Pelletier, 18 Exhibit 12 in this deposition, I wouldn't 19 imagine you have seen this before, September 20 15, 2020 e-mail from a woman Allison Vachon, 21 V-A-C-H-O-N to Daniel Buteau, B-U-T-E-A-U, 22 referring to a prior discipline regarding 23 social media, and there is a reference in
16 Q	Is it fair to characterize it as a notice that 17 you are being placed on the EES list by the 18 chief?		
19 A	Yes, it is what it says.		
20 Q	Do you know if today you are on that list?		
21 A	I imagine once you are on, you can't get off.		
22 Q	Have you taken any steps to challenge the -- 23 the last paragraph. Let me strike that.		
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1	The last paragraph of this indicates 2 "Under section 4, I am giving you the 3 opportunity to submit documentation for 4 inclusion in your personnel file to indicate 5 you are challenging the finding that the 6 conduct is exculpatory if you so desire." 7 Did you bring any sort of challenge 8 to your listing at the EES?	1	handwritten notes that says, "Bill Daisey. 2 Pic of him in ERT gear. 2016 or 2017 3 Facebook."
9 A	No, I don't recall doing that.	4	In reviewing that, do you have any 5 recollection of getting disciplined or 6 counseled from Attorney Daisey with respect to 7 posting a picture of you in ERT gear?
10 Q	Have you been notified at any time that there 11 is a process by which you can challenge your 12 inclusion on the EES list?	8 A	He told me to take it down, and I did it, and 9 that was it.
13 A	I didn't really look it up. I thought it 14 would be pointless.	10 Q	Is ERT, is that emergency reactive response?
15 Q	Other than the -- after the detail at which 16 you took at least a video of Mr. Pilotte at 17 Androscoggin Valley, did you do any other 18 details Androscoggin Valley Hospital with 19 Mr. Pilotte?	11 A	Emergency response team, yes, I believe that 12 is what ERT stands for.
20 A	I don't remember.	13 Q	Is that equivalent to what we would call SWAT?
21 Q	Do you recall, when you recorded an image or 22 images of Mr. Pilotte, do you recall his 23 reaction to you doing so?	14 A	Yes, yes.
		15 Q	And do you remember the image that it was that 16 Bill Daisey asked you to take down?
		17 A	I don't.
		18 Q	Do you remember anything else Bill Daisey 19 talked to you about with respect to that image?
		20 A	No.
		22 Q	And do you remember if, in fact, you did post 23 an image like that on Facebook?

<p style="text-align: right;">Page 34</p> <p>1 way Mr. Pilote treated them in the time prior 2 to 2019?</p> <p>3 A I don't remember.</p> <p>4 Q Other than Mr. Pilote, were there other 5 people, and I don't need their names, were 6 there other people that you did similar 7 security details for at the hospital?</p> <p>8 A Yes. It would be for either someone violent 9 or if the hospital staff couldn't watch, they 10 would ask the PD. There are probably a couple 11 of occasions of that.</p> <p>12 Q How did the details get assigned in January of 13 2019? How did it come that you were up there 14 working a detail?</p> <p>15 A If the time is available, you can sign up for 16 it.</p> <p>17 Q What happens if nobody signs up for a slot?</p> <p>18 A You could get forced over or -- I believe they 19 would -- if the shift had enough people, the 20 shift could try and cover it.</p> <p>21 Q Do you remember if you were ever forced over?</p> <p>22 A I don't remember. Probably longer than I 23 wanted to.</p>	<p style="text-align: right;">Page 36</p> <p>1 Q Within the hospital, is the -- was 2 Mr. Pilote's room on a special ward or was 3 it -- where was it?</p> <p>4 A No, it was right with everyone else.</p> <p>5 Q And is that -- is that along a hallway or one 6 of these nurses' stations where there is a 7 nursing station in the middle, and then there 8 are rooms all around it?</p> <p>9 A It is like a longer hallway, like a T, kind 10 of. The nursing station would be like at one 11 of the crosses in the T. I know you can't see 12 this. Just habit.</p> <p>13 Q Once you get there to take on your shift, or 14 your detail, is there a chair outside the room 15 that you sit in?</p> <p>16 A Yes.</p> <p>17 Q Any other items that are there for your 18 benefit?</p> <p>19 A A table that I have a drink on or food.</p> <p>20 Q When you do get relieved, is there any sort of 21 transfer or transition between you and the 22 next officer?</p> <p>23 A Not that I remember. I would like to think he</p>
<p style="text-align: right;">Page 35</p> <p>1 Q Meaning your shift didn't really end because 2 no one came in to relieve you?</p> <p>3 A Yes.</p> <p>4 Q If I am wrong when I try to characterize your 5 testimony, please let me know. I am just 6 trying to make sure I understand what I think 7 you are saying. Okay?</p> <p>8 A No, no problem. I am trying to remember. It 9 is a long time ago, especially questions prior 10 to everything after that.</p> <p>11 Q So let's go to that January time frame itself. 12 My records indicate that Mr. Pilote 13 was brought into the hospital on January 21 of 14 2019, and I read your declaration in 15 connection with your dismissal, and that 16 indicates that the recording of images of 17 Mr. Pilote took place on January 22nd, 2019. 18 Does that -- is that consistent with 19 your memory of the events?</p> <p>20 A If that is -- if you had asked me before you 21 just said that, I couldn't have told you the 22 exact dates. I would have said the beginning 23 of 2019. It is generally what I think.</p>	<p style="text-align: right;">Page 37</p> <p>1 would just say if anything extravagant 2 happened. If nothing, then nothing would 3 happen.</p> <p>4 Q And the same thing when you come in, when you 5 come in, the departing officer would let you 6 know if something unusual happened but 7 otherwise, just say, thanks.</p> <p>8 A Yes, pretty much.</p> <p>9 Q How frequently would the staff check on 10 Mr. Pilote during a shift?</p> <p>11 A I don't know.</p> <p>12 Q Are these four-hour shifts or eight-hour 13 shifts, or how long were your shifts up there?</p> <p>14 A They could be -- I mean, whatever time slot is 15 filled, they are available. Someone might do 16 it after a shift and just do a couple hours 17 in-between shifts or someone might use a whole 18 day off and do one.</p> <p>19 Q I am going to show you another document in a 20 second here and ask you a few questions about 21 it. 22 Mr. Pelletier, I should have in 23 front of you an exhibit marked Pelletier 6,</p>

<p style="text-align: right;">Page 46</p> <p>1 Q But you don't have a specific recollection of 2 Officer Imperial sending you images of anyone 3 that he had taken at the hospital?</p> <p>4 A I don't remember.</p> <p>5 Q Do you have any specific memories of any other 6 officer sending you images that they had 7 recorded at the hospital?</p> <p>8 A I don't remember.</p> <p>9 Q Back in 2019, did you also use the social 10 media platform Instagram?</p> <p>11 A Yes.</p> <p>12 Q Do you know whether or not you sent images of 13 Mr. Pilotte to anyone via Instagram?</p> <p>14 A No, I do not.</p> <p>15 Q Do you recall anybody responding to you when 16 you sent the image of Mr. Pilotte?</p> <p>17 A No, I don't remember.</p> <p>18 Q Officer Howry, is he someone you would have 19 considered yourself to be friends with back in 20 2019?</p> <p>21 A Yes, we were friendly at work. I don't 22 remember ever hanging out with him outside of 23 work.</p>	<p style="text-align: right;">Page 48</p> <p>1 A I said, thanks for the heads up, and I will go 2 talk to my supervisor.</p> <p>3 Q And who was it that you went to talk to?</p> <p>4 A It was -- my supervisor at the time was Tim -- 5 Lieutenant Godin.</p> <p>6 Q G-O-D-I-N?</p> <p>7 A Yes.</p> <p>8 Q And do you remember what your conversation 9 with Lieutenant Godin was?</p> <p>10 A We never had one. I had decided to wait until 11 he spoke to me, and he never did.</p> <p>12 Q Who was the next person who you spoke with 13 about the incident?</p> <p>14 A Lieutenant Theriault.</p> <p>15 Q Did Lieutenant Theriault, did you give a 16 statement or an oral statement to Lieutenant 17 Theriault?</p> <p>18 A No, how did that go? I had not heard anything 19 in a long time, and I had thought it was over, 20 and then I heard Lieutenant Theriault was 21 asking that question to someone about it. I 22 don't remember who, and so then I went and 23 spoke to him.</p>
<p style="text-align: right;">Page 47</p> <p>1 Q Is he somebody that you would have sent an 2 image of Mr. Pilotte to?</p> <p>3 A I don't think so.</p> <p>4 Q And why wouldn't you think so?</p> <p>5 A I just don't think I would have.</p> <p>6 Q Is that because you weren't as close to him as 7 you were to Stapleton and Imperial and 8 Benjamin?</p> <p>9 A Yes.</p> <p>10 Q When did you first learn that someone at a 11 supervisory level had learned that you had 12 taken images of Mr. Pilotte and distributed 13 them to any single person?</p> <p>14 A Stapleton told me.</p> <p>15 Q And do you remember what he said to you?</p> <p>16 A He said he had shown the image, the media, to 17 Officer Priest, and a few days later, Officer 18 Priest told him that he was going to report 19 it.</p> <p>20 Q Did Stapleton say anything else at that time?</p> <p>21 A No.</p> <p>22 Q What did you say back to Stapleton when he 23 told you that?</p>	<p style="text-align: right;">Page 49</p> <p>1 Q And what did he say?</p> <p>2 A He just said that he was asked to ask 3 information about it.</p> <p>4 Q Did you speak to any of your fellow officers 5 about conversations that they had with 6 lieutenant Theriault?</p> <p>7 A No.</p> <p>8 Q I am sorry, I think that was no?</p> <p>9 A No. Yes, it was no.</p> <p>10 Q Thank you. Did you speak with an attorney at 11 any time during the investigation into your 12 conduct at Berlin?</p> <p>13 A Not until after I had left the PD.</p> <p>14 Q And how about a union rep, did you talk to a 15 union rep about the investigation that was 16 going on?</p> <p>17 A Yes. He was present when I spoke to the 18 chief, I believe.</p> <p>19 Q Do you recall who that was?</p> <p>20 A Wade Goulet.</p> <p>21 Q Was that Wade Goulet?</p> <p>22 A Yes, Wade Goulet.</p> <p>23 Q Was the deputy chief present during that</p>

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1	conversation also?	1	Wade told me the day before I resigned.
2	A Yes.	2	Q Why did you decide to resign?
3	Q The Deputy Chief Buteau?	3	A He had recommended that I do it so that it
4	A Yes.	4	wasn't -- my understanding at the time, so
5	Q When you went to speak with them -- let me	5	that it wasn't a resignation in lieu of
6	share a document with you again so that I am	6	termination to help retain my certification.
7	not surprising you.	7	Q In-between your resignation -- following your
8	(Whereupon, the court reporter	8	resignation, did you apply for other law
9	marked Exhibit Number 7, Employee Status	9	enforcement jobs?
10	Notification Form, for Identification.)	10	A No, but I was offered several.
11	Q I will show you what has been marked as	11	Q Why did you not take them?
12	Exhibit 7, Pelletier 7. It appears to be	12	A I didn't want to go to a department with
13	another employee status notification form. It	13	anything over my head, if I wanted to make
14	has a date, effective date of change of April	14	sure that I went there ready to go and not
15	11, 2019, and if I look down at the circle	15	have something that they would have to go
16	that is dotted, it appears that it relates to	16	through with me, I guess. Go there clean.
17	a 7-day suspension.	17	Q After you had resigned, what was still over
18	Do you see that?	18	your head?
19	A Yes, I do.	19	A Well, I was told that there was an external
20	Q Do you remember when you were informed that	20	investigation.
21	you were being suspended for 7 days?	21	Q A potential criminal investigation?
22	A I don't.	22	A Yes, they sent the case to be looked at from a
23	Q Do you remember if it was in connection with	23	different department.
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1	the investigation into your activities,	1	Q Were you ever interviewed by another
2	vis-a-vis Mr. Pilote?	2	department?
3	A Yes.	3	A No.
4	Q Do you know if you were on suspension at the	4	Q Were you ever interviewed by the Grafton
5	time that you met with the chief and deputy	5	County Sheriff's Office?
6	chief and Mr. Goulet?	6	A I spoke with several of their investigators
7	A No, I wasn't.	7	because it changed hands, I believe, but
8	Q You were not at that time?	8	nothing ever, formal interview. Basically
9	A No.	9	just updating.
10	Q The same question with respect to the written	10	Q When did you first learn about criminal
11	statement that you gave that was previously	11	charges against you?
12	marked as Exhibit 6.	12	A I was in Idaho.
13	Do you know if you turned that in to	13	Q Working or on vacation?
14	the chief while you were suspended or prior to	14	A I was at school.
15	being suspended?	15	Q Was that school to be a lineman?
16	A I believe it was prior to being suspended.	16	A Yes.
17	Q At some point, did you believe that the 7-day	17	Q Were you represented by counsel in the
18	suspension was going to be the full discipline	18	criminal matter?
19	for your actions?	19	A Yes.
20	A Yes, I did not know what was coming up.	20	Q And who was that?
21	Q When, if ever, did the chief or someone else	21	A Oh, shoot, what is his name? Eric.
22	inform you that they were going to recommend	22	Q Eric Wilson?
23	you for termination?	23	A Yes, thank you, Eric Wilson.

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1 A	If Bill says that we spoke. I don't remember posting it on Facebook, but I mean obviously, it is there. It was years ago.	1	first notification that it was possible.
2 Q	Other than that instance in which Bill said that he spoke with you, are there any other times where you posted information or photos of yourself on social media related to your work?	2 Q	Once you got a copy of the complaint, was that actually served upon you in some manner? Did the sheriff serve it? Did he show up at the door?
3		3	
4		4	
5		5	
6		6 A	I don't remember.
7		7 Q	When you did receive it, do you remember what you did?
8		8	
9 A	I don't remember.	9 A	No.
10 Q	Do you recall if Officer Imperial ever posted images of himself on social media related to his work?	10 Q	I know you had mentioned earlier, so I am trying not to repeat myself, I think you mentioned earlier, you thought about contacting counsel, but you didn't do that right away. At some stage, you contacted Attorney Carr?
11		11	
12		12	
13 A	I don't remember. I would have to check his profiles, I guess.	13	
14		14	
15 Q	I am sorry, the answer was --	15	
16 A	I don't remember.	16 A	I don't remember when we first spoke.
17 Q	How about Stapleton, do you remember if Stapleton ever posted anything related to his work on social media sites?	17 Q	Do you remember if you reached out to him or if he reached out to you?
18		18	
19		19 A	I don't remember.
20 A	I don't remember.	20 Q	Do you remember how many times you and Attorney Carr spoke?
21 Q	The same question regarding Officer Howry, do you recall him ever doing such a thing?	21	
22		22 A	We spoke on the phone. I think he had called me. I don't remember if it was set up by
23 A	I don't think that Officer Howry had anything	23	
	Page 63		Page 65
1	beyond a flip phone.	1	e-mail first, and then we met in person once.
2 Q	And if I didn't ask already, how about Officer Benjamin, do you recall him posting anything on social media related to his work?	2 Q	I am going to show you a copy of a declaration that we received in this case.
3		3	
4		4	Do you see that, sworn declaration
5 A	I do not remember.	5	of Philip Pelletier, marked as Exhibit 13?
6 Q	Do you remember anybody specifically posting work-related images on social media?	6 A	Yes, I do.
7		7	(Whereupon, the court reporter
8 A	I don't. It has been a long time.	8	marked Exhibit Number 13, Sworn Declaration of
9 Q	I understand.	9	Philip Pelletier, for Identification.)
10 A	I am really trying to move on and until you messaged me, I thought we had.	10 Q	Did you prepare this, or did somebody prepare this for you?
11		12 A	I spoke it and Attorney Carr, Anthony, typed it out.
12 Q	It sounds like the incident with Mr. Pilote in January 2019 was the only time you did something like that.	14 Q	For instance, in paragraph 1, I see it says,
13		15	and I am six lines down, you can probably see my cursor "He also specifically went over New
14		16	Hampshire Rules of Professional Conduct Rule
15	Is that fair to say?	17	4.3 with me."
16 A	I don't remember.	18	I take it that is attorney writing,
17 Q	You don't remember anybody else doing something similarly?	19	not Phil Pelletier writing, right?
18		20	
19 A	No. Their actions are their actions. I don't remember.	21 A	Yes, he told me what that meant, what he put
20		22	that in there was to go over what he had spoke
21 Q	When did you first learn that you were named in a lawsuit by Mr. Pilote?	23	about from the beginning.
22			
23 A	I don't know. 2020, maybe it was like the		

	Page 70		Page 72
1 Q	(By MR. CULLEN): I want to keep the declaration up on the screen and ask you a few questions about it.	1	inappropriate. I mean, you are up there, and you have that feeling of -- what is the term that you use -- it is not imputed knowledge. That doesn't sound right, but because you are all working up there in that environment, you are exposed to it anyway. You are not divulging anything that you can't already divulge. Does that make sense?
2	In paragraph 4, you state that "There was an attitude of resentment towards Alfred, including, in part, his repeated admission to the hospital on account of his mental illness, which required most of us to serve on these details even when he would be there for weeks at a time."	2	I am not going to walk up to the person on the street and talk to them about something I just saw in the hospital the same as you would. You are up there talking with someone, and you both see something, you feel like you can talk about it.
3	Who specifically conveyed to you an attitude of resentment towards Mr. Pilotte?	3	10
4 A	Anyone who did the detail really. I mean, it was -- I apologize for slouching. More just the fact that he is up there constantly, and when he is up there, there is no actual help getting to him, because he is not in the State Hospital. He is just being held, you know. And because he is up there being held for weeks at a time, it puts everyone in a bind to have to fill all of that time slot up.	4	11
5	12	12	13
6	13	13	14
7	14	14	15
8	15	15	Q
9	16	16	You telling a nurse what is going on in
10	17	17	Mr. Pilotte's room, wouldn't necessarily be
11	18	18	conveying to that nurse information that he or
12	19	19	she didn't already know firsthand, is that
13	20	20	what you are saying?
14	21	21	A Yes.
15	22	22	Q The paragraph goes on, and I will try, if you
16	23	23	can see my cursor, I was going to start with this, there was also a general environment at
	Page 71		Page 73
1	was Officer Stapleton testified earlier that the frustration that he felt was directed towards the system that didn't allow Mr. Pilotte to get any real mental health treatment during this time when he said he would be waiting sometimes for weeks.	1	the PD of being of the view that people like
2	Was that a feeling that you shared?	2	Alfred who are going through the IEA process
3 A	Yes. Sorry, I didn't wait for your question.	3	have less rights than other citizens and that
4	9 Q You did a good job. It was a long question.	4	also played a role in my thinking on January
5	10	5	22nd.
6	11	6	What do you mean by that?
7	12	7 A	That he is not up there because he is sick and is just waiting for the hospital to fix him.
8	13	8	He is up there because there is nowhere else
9	14	9	to put him. He can't be by himself, and IEA
10	15	10	by definition takes away your right of that.
11	16	11	12 So that's what I mean by lesser
12	17	13	rights. He is not a normal patient up there.
13	18	14	He is only there because the State Hospital
14	19	15	chooses not to accept him immediately, whether
15	20	16	by -- sorry, using my hands -- by space or
16	21	17	data list.
17	22	18 Q	And going down that paragraph, at the last
18	23	19	sentence on this page, it reads, "For example,
19		20	in advance of the annual PD meeting, the
20		21	Berlin PD asks officers to submit funny body
21		22	cam moments and then display at the meeting
22		23	for people."
23 A	I guess you would have to define what is		

<p style="text-align: right;">Page 74</p> <p>1 I am going to see if I can get to 2 the next page here. 3 I'll continue, "some of whom would 4 never have otherwise had access to the footage 5 and/or legitimate reason to do so." 6 Do you remember any specific body 7 cam moments that would fit into that category 8 that you are describing here? 9 A I don't remember anything specific that was 10 shared, because at the time that is what they 11 did. 12 Q One of the officers testified that such 13 moments included officers slipping on ice or 14 officers confronting animals. 15 Are those the type of video camera 16 moments that you recall? 17 A Yes, that would be included. 18 Q What else would be included that you can 19 remember? 20 A I think there was a moment people shared a 21 video when someone had, what is the polite 22 word, defecated on city hall, because he was 23 intoxicated. I believe that video got shared</p>	<p>1 Q So it appeared that he was showing up at 2 police scenes, is that what was happening? 3 A Yes, he was. 4 Q And when you said you called him out on it, 5 what specifically did you do? 6 A He was driving up towards a scene I had just 7 left. I don't remember what it was, but it 8 was pretty serious, and I was not in a great 9 mood about it, and I noticed him coming up, 10 and I kind of pulled him over but from the 11 front, and which is just like put my lights on 12 and kind of got in his way so that he was 13 stopped, and then I told him that he didn't 14 need to be around, and he needed to just stay 15 away from anywhere where we are working. 16 Q Did Chapman have any other complaints against 17 you? 18 A I don't know. 19 Q You didn't get into any trouble as a result of 20 that complaint? 21 A No. The chief told me that he spoke with his 22 dad. I had actually worked with his father 23 previously. I had a good relationship with</p>
<p style="text-align: right;">Page 75</p> <p>1 around the PD. 2 Q Was that video of the -- was that video of the 3 poop itself or was that video of the person 4 taking -- doing the defecations? 5 A It was the whole thing. 6 Q And any other examples like that that you can 7 remember, any other experiences like that that 8 you remember? 9 A I don't remember. 10 Q You will be happy to know, this is close to 11 the end of my questions on this document. 12 There is a reference on this page to 13 an incident involving Jessie Chapman. Who is 14 Jessie Chapman? 15 A Jessie Chapman, my opinion of him, he is a 16 self-proclaimed like security guard per his 17 father. 18 Q What did he accuse you of? 19 A He was upset, I thought he was like following 20 around scanners, looking for police activity, 21 and he would drive by, and I called him out on 22 that one night, and he was upset that I did 23 that.</p>	<p>1 him, and they said it was nothing. 2 Q So the chief told you basically he followed up 3 and that was the end of it? 4 A Correct. 5 Q Do you feel like you should have been 6 disciplined for your conduct? 7 A Absolutely not. 8 MR. CULLEN: Those all the questions 9 I have for you, Mr. Pelletier. I appreciate 10 you coming in. I can't promise Anthony Carr 11 doesn't have any. Those are all the ones I 12 have at this time. 13 THE WITNESS: We could have powered 14 through. 15 MR. CULLEN: Sorry, I had other 16 questions, but since it appears you don't live 17 in Florida and actually live in Manchester, I 18 am not quite as concerned about finding you 19 again. 20 THE WITNESS: That doesn't comfort 21 me, and I don't live in Manchester. My 22 residence is in Berlin. 23 MR. CULLEN: I apologize. Close</p>